

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ALVETT FOBBS, ET AL.,

No. C 09-02723 PJH (JCS)

Plaintiff(s),

**NOTICE OF REFERENCE AND ORDER
RE DISCOVERY PROCEDURES**

v.

NEW HAVEN UNIFIED SCHOOL
DISTRICT, ET AL.,

Defendant(s).

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to the undersigned for a discovery conference and thereafter for resolution of any discovery matters.

A discovery conference is set for **April 16, 2010, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

IT IS HEREBY ORDERED that the lead trial counsel for Plaintiff(s) and lead trial counsel for Defendant(s) shall meet and confer **in person** not later than ten (10) calendar days from the date of this Order and prepare a joint discovery conference statement which shall include a joint discovery plan, and any issues the parties believe the Court should address. Within five (5) calendar days of the lead trial counsels' meet-and-confer session, the parties shall electronically file their joint discovery conference statement.

LAW AND MOTION PROCEDURES

Civil law and motion is heard on Friday mornings at 9:30 a.m., in Courtroom A, 15th Floor, United States District Court, 450 Golden Gate Avenue, San Francisco, California.

1 In the event a future **discovery dispute** arises, IT IS HEREBY ORDERED that before filing
2 any discovery motion before this Court, the parties must comply with the following:

- 3 1. Lead trial counsel for both parties must meet and confer *in person* regarding the
4 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,
5 such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful.
6 Once those efforts have proved unsuccessful, any party may demand a meeting of
7 lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten
8 (10) calendar days of the demand. The locations of the meetings shall alternate. The
9 first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any
10 future disputes, the next such meeting shall be held at a location to be determined by
11 counsel for Defendant(s), etc.
- 12 2. Within five (5) calendar days of the in-person meeting between lead trial counsel
13 referred to above, the parties shall jointly file a detailed letter with the Court, which
14 will include the matters that remain in dispute, a detailed substantive description of
15 each side's position on each such issue, and a description of each side's proposed
16 compromise on each such issue.
- 17 3. After the Court has received the joint letter, the Court will determine what future
18 proceedings, if any, are necessary.

19 In the event that the parties continue to be unable to resolve the matters regarding the timing
20 and scope of discovery, the Court will consider what future actions are necessary. These actions
21 may include the following: (1) sanctions against a party failing to cooperate in the discovery process
22 and meet and confer in good faith, as required by this Order, the Federal Rules of Civil Procedure,
23 and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of each party to
24 attend the in-person, meet-and-confer sessions described above. The Court is not entering either of
25 these matters as an Order of the Court at this time, and fully expects counsel to meet their
26 obligations under this Order and under the Local Rules.

27 A party or counsel has a continuing duty to supplement the initial disclosure when required
28 under Fed. R. Civ. P. 26(e)(1).

1 Law and motion matters may be submitted without argument upon stipulation of the parties
2 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil L.
3 R. 7-7(e), filed motions may be withdrawn without leave of the Court, within seven (7) days of the
4 date for service of the opposition. Thereafter, leave of the Court must be sought.

5 All filings of documents relating to motions referred to the undersigned shall list the civil
6 case number and the district court judge's initials followed by the designation "(JCS)".

7 **ELECTRONIC FILING AND COURTESY COPIES**

8 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
9 California for information relating to electronic filing procedures and requirements. All documents
10 shall be filed in compliance with the Civil Local Rules. Documents not filed in compliance with
11 those rules will not be considered by the Court.

12 BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
13 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
14 CONFORMED, **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED
15 **"JCS'S CHAMBERS' COPY."**

16 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
17 Fed. R. Civ. P. 16(f).

18 IT IS SO ORDERED.

19
20 Dated: March 10, 2010



JOSEPH C. SPERO
United States Magistrate Judge